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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

MICHAEL G. SCHWERN,

Case No. 3:14-CV-00146-PK

Plaintiff,

v.

NÓIRÍN PLUNKETT,

Defendant.

**DECLARATION OF MICHAEL G.  
SCHWERN IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO  
DEFENDANT'S SPECIAL MOTION  
TO STRIKE**

I, MICHAEL G. SCHWERN, make the following declaration under the penalty of perjury and based on my own personal knowledge. I am competent to testify to the following:

1. I am the plaintiff in this action. I make this declaration in support of the memorandum of law that my attorney Bear Wilner-Nugent is today filing in response to defendant Nóirín Plunkett's special motion to strike the complaint under ORS 31.150.
2. I have never sexually assaulted defendant.
3. I have never engaged in any type of nonconsensual sexual contact with defendant.
4. I have never physically or emotionally abused defendant.
5. I did not email defendant on or about November 12, 2013.

6. I did not in any way arrange for the delivery of roses or any other item to defendant at any time after she obtained a Massachusetts restraining order against me.
7. I did not file a lawsuit against defendant in order to retaliate for her expression in a public forum or on a public issue or an issue of public interest.
8. I filed a lawsuit against defendant because I believe that she intentionally made unprivileged false statements about me that have harmed me and are continuing to harm me.
9. The allegations in paragraphs 2, 3, 6 through 9, 11, 12, and 14, paragraph 15 except the last sentence, paragraph 16, paragraph 17 except the second to last sentence, paragraph 18 except the last sentence, paragraph 19 except the last sentence, paragraph 20 except the last sentence, paragraph 21 except the last sentence, paragraphs 22 through 27, paragraph 28 except the second sentence, paragraphs 29 and 30, paragraph 31 except the third sentence, and paragraph 32 of my complaint are true based on my personal knowledge. If called as a witness in a hearing or trial in this case, I would testify consistently with this knowledge.
10. I believe to be true the allegations in paragraphs 10 and 13, the last sentence of paragraph 15, the second to last sentence of paragraph 17, the last sentence of paragraph 18, the last sentence of paragraph 19, the last sentence of paragraph 20, the last sentence of paragraph 21, the second sentence of paragraph 28, and the third sentence of paragraph 31 of my complaint, but would like my attorney to have the opportunity to conduct further investigation and discovery to verify these allegations. If this investigation and discovery verifies what I believe to be true, then if called as a witness in a hearing or trial in this case, I would testify consistently with this belief.
11. Based on the above-described allegations of my complaint, I believe that defendant intentionally and knowingly harmed me in the ways described in each of my claims for relief. I further believe that defendant caused me the damages for which I pray for monetary relief in my complaint.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand that they are made for use as evidence in court and are subject to penalty for perjury.

RESPECTFULLY SUBMITTED March 20, 2014,

/s/ Michael G. Schwern  
Michael G. Schwern  
Plaintiff